IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.18087 of 2006

DATE OF DECISION: 16.11.2006

Prem Dass Shant ....Petitioner.

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. D.S. Patwalia, Advocate for the petitioner.

J.S. Khehar, J. (oral)

The petitioner retired from the employment of the respondents, on attaining the age of superannuation on 31.5.2004, while he was holding the post of Excise and Taxation Officer. Through the instant writ petition, the petitioner has assailed the action of the respondents in issuing a charge sheet to him dated 28.9.2005 (Annexure P2) by asserting, that the same is in clear violation of the mandate of rule 2.2 (b) of the Punjab Civil Services Rules, Volume-II, inasmuch as, the sanction of the State Government, which is imperative for initiating departmental proceedings after the retirement of an employee, was not obtained before the impugned charge sheet dated 28.9.2005 was issued.

It is not necessary, for the purposes of disposal of the instant writ petition, to extract herein rule 2.2(b), relied upon by the petitioner, inasmuch as, there is no doubt whatsoever that proviso (2)(i) thereof

expressly requires the sanction of the Government before such departmental proceedings are initiated. In so far as the present controversy is concerned, we are satisfied that the sanction is implicit from the issuance of the charge sheet dated 28.9.2005, since the charge sheet itself has been issued by the State Government. Needless to mention, that the Secretary of the department represents the Government of that department. It is, therefore, not possible for us to accept the instant contention of the learned counsel for the petitioner.

For the reasons recorded hereinabove, we find no merit in this writ petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

November 16, 2006.
vig